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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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DS RENDITE-FONDS NR. 62 MS CAPE COOK  
GMBH & CO. CONTAINERSCHIFF KG,

Plaintiff,

07 CV 3822 (RJH)

v.

**SECOND AMENDED  
ORDER FOR ISSUANCE OF  
A PROCESS OF MARITIME  
ATTACHMENT**

FAIRWIND SHIPPING COMPANY LIMITED,  
FAIRWIND NAVIGATION CO.,  
FAIRWIND (HOLDINGS) LIMITED, and,  
FAIRWIND INTERNATIONAL CO., LIMITED,

Defendants.

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Upon reading the Second Amended Verified Complaint requesting issuance of Process of Maritime Attachment and Garnishment, and the Affidavit of Owen F. Duffy, Esq. attached thereto, and the Court finding that the conditions for an attachment under Rule B of the Supplemental Rules for Certain Admiralty and Maritime Claims Admiralty to the Federal Rules of Civil Procedure appear to exist, it is this day, by the United States District Court for the Southern District of New York, hereby

**ORDERED** that the Clerk shall issue a Process of Maritime Attachment and Garnishment as prayed for in the Second Amended Verified Complaint; and it is further

**ORDERED** that the Process of Attachment issued by the Clerk shall be against all property, tangible or intangible, including funds, goods, chattels, credits, effects, debts owned by or owed to the Defendants, FAIRWIND SHIPPING COMPANY LIMITED, FAIRWIND NAVIGATION COMPANY, FAIRWIND (HOLDINGS) LIMITED and/or FAIRWIND INTERNATIONAL CO., LIMITED or monies to be paid to discharge a debt owed to the Defendants, including monies being electronically transferred by or to FAIRWIND SHIPPING COMPANY LIMITED, FAIRWIND NAVIGATION COMPANY, FAIRWIND (HOLDINGS) LIMITED and/or FAIRWIND INTERNATIONAL CO., LIMITED which are in the possession or control of, or being transferred through any garnishee within this District, including, without limitation, property held by or in the possession or control of the following garnishee(s):

1. American Express Bank Ltd.  
c/o Zeichner Ellman & Krause, LLP  
Legal Counsel for Bank of America  
575 Lexington Avenue, 10<sup>th</sup> floor  
New York, New York 10022
2. Bank of America  
c/o Zeichner Ellman & Krause, LLP  
Legal Counsel for Bank of America  
575 Lexington Avenue, 10<sup>th</sup> floor  
New York, New York 10022
3. Bank of China  
410 Madison Avenue  
New York, New York 10017
4. Barclays Bank  
200 Park Avenue  
New York, New York 10166
5. Bank of New York  
120 Broadway, 19<sup>th</sup> Floor  
New York, New York

6. Citibank, N.A.  
Legal Service Intake Unit  
1 Court Square, 7<sup>th</sup> Floor  
Long Island City, NY 11120
7. Deutsche Bank  
60 Wall Street  
New York, New York 10005
8. HSBC  
452 Fifth Avenue  
New York, New York
9. JPMorgan Chase Bank N.A.  
One Chase Manhattan Plaza  
New York, New York 10081
10. Standard Chartered Bank  
One Madison Avenue  
New York, NY 10010
11. Wachovia Bank  
11 Penn Plaza  
New York, New York 10001

or any of their affiliates and any other garnishee(s) within this district upon whom a copy of the Process of Maritime Attachment and Garnishment herein may be served, in an amount up to the amount sued for, i.e., \$ 574,000.00, ~~plus interest and costs~~, it is further

**ORDERED** that any person claiming an interest in the property attached or garnished pursuant to said Order shall, upon application to the Court, be entitled to a prompt hearing at which the plaintiff shall be required to show why the attachment and garnishment should not be vacated or other relief granted, and it is further

**ORDERED** that a copy of this Order be attached to and served with the said Process of Maritime Attachment and Garnishment, and it is further

**ORDERED** that pursuant to Fed. R. Civ. P., Supplemental Rules for Certain Admiralty and Maritime Claims, Rule B(1)(d)(ii)(C), the Writ of Attachment may be served by any person, who is not less than 18 years old, and who is not a party to this action, and it is further

**ORDERED** that service on any garnishee(s) (i.e. any original garnishee or any garnishee herein) is deemed to be effective and continuous service throughout the remainder of the day upon which such service is made commencing from the time of such service through the opening of the garnishee's business the next business day, and it is further

**ORDERED** that pursuant to Federal Rule of Civil Procedure 5(b)(2)(D), that following initial service upon any garnishee by the United States Marshal or any other person designated by Order to make service in this action, supplemental service of the Process of Maritime Attachment and Garnishment shall thereafter be made by way of service of a copy of the Process of Maritime Attachment and Garnishment via facsimile transmission or other verifiable electronic means, including e-mail, to each garnishee so personally served, and it is further

**ORDERED** that supplemental process enforcing this Order may be issued by the Clerk and served without further Order of the Court.

Dated: New York, New York  
August 7, 2007

SO ORDERED:

  
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U. S. D. J.